IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.343 OF 2006

IN

SUMMARY SUIT NO.87 OF 2006

Shri.Swami Samarth Airfrieght Pvt.Ltd. ... Plaintiff

vs.

1.Simon Brothers Pvt. Ltd. & others. ... Defendants.

Mr.G.J.Bijlani, for Plaintiff.

Mr.Kalpesh Parekh i/b. Pagna Thakkar & Co. for Defendant nos.1 & 2.

None for Defendant nos. 3 to 5.

CORAM: D.K.DESHMUKH,J.

DATED: 26th September,2006

P.C.:-

1. This summons for judgment is directed against defendant nos. 1 and 2. The defendant nos. 1 and 2 are admittedly served on 25.8.2006. They have not filed any application for leave to defend the suit within the time prescribed under Order 37 of Civil Procedure

Code. Heard the learned Counsel appearing for plaintiff. In the absence of any application for leave to defend, the plaintiff is entitled to judgment. The plaintiff has produced the original documents in support of its claim. The summons for judgment is therefore granted. The suit is decreed in terms of prayer clause (a) and (b) against defendant nos. 1 and 2.

2. The defendant nos.3, 4 and 5 are served with the writ of summons. The plaintiff has filed affidavit of service. The defendant nos. 3, 4 and 5 are not appearing. They have not filed any application for leave to defend the suit within the time prescribed under Order 37 of Civil Procedure Code.. Therefore, in terms of Order 37 of Civil Procedure Code, the plaintiff is entitled to judgment against defendant nos.3, 4 and 5 also. The suit is therefore, decreed in terms of prayer clause (a) and (b) against defendant nos. 3, 4 and 5 also. Refund of Court fees as per rules.